

the correct relevant legal standards in reaching his findings. *See* 42 U.S.C. § 405(g); *Carrier v. Sullivan*, 944 F.2d 243, 245 (5th Cir. 1991). In determining whether the Commissioner’s decision is supported by substantial evidence, the court scrutinizes the record to determine if such evidence is present. *Johnson v. Bowen*, 864 F.2d 340, 343 (5th Cir.1988). The court may not, however, reweigh the evidence in the record or substitute its judgment for that of the Commissioner’s. *Id.*; *Richardson v. Perales*, 402 U.S. 389, 390 (1971) (“The findings of the [Commissioner] as to any fact, if supported by substantial evidence, shall be conclusive.”). “Substantial evidence is more than a scintilla, less than a preponderance, and is such relevant evidence as a reasonable mind might accept as adequate to support a conclusion.” *Kane v. Heckler*, 731 F.2d 1216, 1219 (5th Cir. 1984); *Carrier*, 944 F.2d at 245. A finding of no substantial evidence is appropriate only when no credible evidentiary choices exist to support the decision. *See Johnson v. Bowen*, 864 F.2d 340, 343-44 (5th Cir. 1988). Under Federal Rule of Civil Procedure 72(b), applicable to dispositive motions, the district court reviews de novo “any part of the magistrate’s disposition that has been properly objected to” and “may accept, reject, or modify the recommended decision; receive further evidence; or return the matter to the magistrate with instructions.” Fed. R. Civ. P. 72(b)(3).

II. Plaintiff’s Objections to the Magistrate’s Report

Plaintiff asserts four objections to the magistrate judge’s findings and recommendation, which are substantially similar arguments made in her summary judgment motion. Plaintiff contends that the Administrative Law Judge (“ALJ”): (1) erred in determining that October 28, 2009, is the onset date of her disability as opposed to an earlier onset date advocated by Plaintiff; (2) failed to give proper weight to the opinions of Dr. Peter Chang and licensed counselor Linda Curtis; (3) failed to properly evaluate Plaintiff’s testimony and provide specific reasons for finding Plaintiff’s

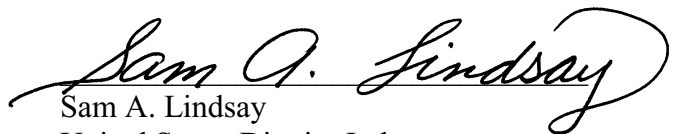
testimony not credible; and (4) relied upon flawed vocational expert testimony that did not include all of Plaintiff's limitations.

After carefully considering Plaintiff's objections and conducting a de novo review of the magistrate judge's thorough and well reasoned findings and recommendation, the court agrees with the magistrate judge's determination that the ALJ applied the correct legal standards and that substantial evidence supports the ALJ's decision. The court therefore **overrules** Plaintiff's objections.

III. Conclusion

After an independent review of the pleadings, file, record, applicable law, and the magistrate judge's findings and conclusions, the court determines that the magistrate judge's findings and conclusions are correct, and **accepts** them as those of the court. Accordingly, the court **grants** Defendant's Motion for Summary Judgment (Doc. 13), **denies** Plaintiff's Motion for Summary Judgment (Doc. 12), **affirms** the decision of the Commissioner, and **dismisses** this case **with prejudice**.

It is so ordered this 13th day of February, 2013.


Sam A. Lindsay
United States District Judge